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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,708	08/30/2001	Jean Claude Brigaud	Q65959	6238

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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/941,708	Applicant(s) BRIGAUD ET AL.	
	Examiner JOHN J LEE	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 1 – 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, 6, 8, 11, 12, and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoya et al. (US Patent number 5,524,287).

Regarding **claims 1, 8, and 14**, Yokoya discloses that a method of controlling amplification of a signal emitted by a radio communication terminal (radio communication apparatus such that portable telephone, see column 4, lines 57 – 62) including a power amplifier (14 in Fig. 2) and a power supply battery (34 in Fig. 2) (Fig. 2, 3 and column 3, lines 15 - 54). Yokoya teaches that detecting an output power of said amplifier and converting said output power into a detected voltage (Fig. 2, 3 and column 4, lines 57 – column 5, lines 35, where teaches detecting output power from the amplifier (14 in Fig. 3) by detector (41 in Fig. 3) and voltage converter (42 in Fig. 3) converts the output voltage level (power)). Yokoya teaches that comparing said detected voltage with a set point voltage (Fig. 3, 8, column 2, lines 10 – 63, and column 7, lines 58 – column 8, lines 25, where teaches the comparator (32 in Fig. 3) compares the detected voltage from

output of the detector (33) and the setting voltage from output of the system controller (21)). Yokoya teaches that adapting the input voltage of said power amplifier (14 in Fig. 3) (Fig. 2, 3 and column 1, lines 48 – column 2, lines 41, where teaches receiving the input voltage from outputting the power amplifier) as a result of said comparison (by comparator (32 in Fig. 3)) wherein said detected voltage (V33 in Fig. 3) or said set point voltage (V31 in Fig. 3) is rendered dependent on an output voltage of said power supply battery (34 in Fig. 3) before the step of comparing said detected voltage with said set point voltage (Fig. 2, 3, 8, column 1, lines 48 – column 2, lines 62, and column 7, lines 58 – column 8, lines 25, where teaches before comparator compares the detected voltage and setting voltage, the detected voltage or setting voltage causes to be depend on an output voltage of power supply (34 in Fig. 3) as see Vcc through power amplifier (14) in Fig. 3).

Regarding **claim 2**, Yokoya discloses that the detected voltage is increased by a correction value dependent on said output voltage of said power supply battery (Fig. 2, 3, 8, column 1, lines 48 – column 2, lines 62, and column 7, lines 58 – column 8, lines 25, where teaches the detected voltage is changed caused in the voltage of said power supply).

Regarding **claim 3**, Yokoya discloses that the set point voltage is reduced by a correction value dependent on said output voltage of said power supply battery (Fig. 2, 3, 8, column 1, lines 48 – column 2, lines 62, and column 7, lines 58 – column 8, lines 25, where teaches the detected voltage is changed caused in the voltage of said power supply).

Regarding **claim 6**, Yokoya discloses that the detected voltage or said set point voltage is rendered dependent of said output voltage of said power supply battery only within a limited range (the allowable range of transmission output) of the output power of said amplifier (Fig. 2, 3, 8, column 1, lines 48 – column 3, lines 11, and column 7, lines 58 – column 8, lines 25).

Regarding **claim 11**, Yokoya discloses that the blocking means include a field-effect transistor (35 in Fig. 3) (Fig. 2, 3, 8 and column 1, lines 48 – column 2, lines 62).

Regarding **claim 12**, Yokoya discloses that the means for rendering said detected voltage or said set point voltage dependent on said voltage of said power supply battery include software means (Fig. 2, 3, 8, column 1, lines 48 – column 2, lines 62, and column 7, lines 58 – column 8, lines 25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 7, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoya in view of Mochizuki (US Patent number 6,580,901).

Regarding **claims 7, 10, and 13**, Yokoya discloses all the limitation, as discussed in claim 1. However, Yokoya does not specifically disclose the limitation “the power supply battery only in a range of the output power of said amplifier close to 30 dBm”.

However, Mochizuki discloses the limitation “the power supply battery only in a range of the output power of said amplifier close to 30 dBm” (column 4, lines 44 – column 5, lines 14 and Fig. 5, where teaches the high output power amplifier by 24 dB from the selected maximum output level, the input level of the high power amplifier is reduced by 30 dB). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Yokoya system as taught by Mochizuki, provides the motivation to achieve efficient controlling the range of output power for increasing the life of power supply battery in radio communication terminal.

Allowable Subject Matter

6. Claims 4, 5, 9, and 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “the means for rendering said detected voltage or said set point dependent on said voltage of said power supply battery include a subtractor between said comparator means and said power detector and converter means and the correction value is a multiple of $V_{bat} - V_{nom}$ where V_{nom} is the nominal voltage of said power supply battery” as specified in the claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2684

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aihara (US Patent number 5,214,393) discloses Transmission Output Control Circuit.

Kobayashi et al. (US Patent number 5,574,993) discloses Mobile Communication Apparatus and Method.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Art Unit: 2684

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay
Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L.
November 30, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER

John J Lee